

ENVIRONMENTAL PERFORMANCE PARTNERSHIP AGREEMENT

BETWEEN

THE OHIO ENVIRONMENTAL PROTECTION AGENCY

AND

REGION V OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

I. INTRODUCTION

This agreement represents a new approach to the federal/state relationship for protecting and enhancing human health and the environment. This approach was memorialized in an agreement between the Administrator and the Deputy Administrator of the United States Environmental Protection Agency (U.S. EPA) and the President and Vice President of the Environmental Council of States (ECOS). The ECOS/EPA Memorandum of Understanding was signed May 17, 1995. That document outlined a process for differential oversight entitled the National Environmental Performance Partnership System (NEPPS).

II. PURPOSE AND PRINCIPLES

This agreement between the Ohio Environmental Protection Agency (Ohio EPA) and U.S. EPA is an effort to set forth a process that will redefine the partnership between Ohio EPA and U.S. EPA. This redefinition will lead to a more effective use of available resources by establishing distinct but interdependent roles for both the state and federal partners. The end results of this agreement will be:

- a. the eventual replacement of environmental media specific work plans with a single Environmental Performance Partnership Agreement (EnPPA);
- b. the joint development between Ohio EPA and U.S. EPA of environmental measures that will be used to measure progress in environmental protection across all environmental programs in Ohio - it is recognized that media specific activity based measurements may be needed but will be reduced and de-emphasized until environmental measures can be developed;
- c. the joint development between Ohio EPA and U.S. EPA of a Self Assessment protocol that Ohio EPA and U.S. EPA will use to annually report progress toward meeting environmental goals - this Self Assessment will be a single document per agency that uses the jointly developed environmental measures to analyze progress and will eventually replace end of the year reports currently required under media specific grant workplans;

- d. the eventual consolidation of media specific environmental program grants into a single Performance Partnership Grant for Ohio EPA;
- e. the eventual conversion of reporting environmental progress using federal fiscal years (October 1 through September 30) to a reporting system based on state fiscal years (July 1 through June 30) and two year budget cycle;
- f. the joint development between Ohio EPA and U.S. EPA of a process to identify joint and separate environmental goals and methods to achieve these goals; and
- g. the joint development between Ohio EPA and U.S. EPA of a process to further define and continually refine the respective roles of each Agency in protecting Ohio's environment;

The ultimate achievement of all of these activities will be the improvement in the quality of environmental protection provided to the residents of the State of Ohio.

For Federal Fiscal Year 1997 (FFY 97) Ohio EPA will propose the following to move towards development and/or achievement of the items listed above:

- a. Ohio EPA will work with U.S. EPA to determine how environmental media specific work plans can be incorporated into a single EnPPA for FFY 1998 and prepare a draft document for U.S. EPA review.
- b. Ohio EPA will propose environmental measures, and where necessary, activity based measures, that will be used to measure progress in environmental protection across all environmental programs in Ohio for U.S. EPA review.
- c. Ohio EPA will use the 1996 draft Self Assessment as a basis for developing a new Self Assessment protocol to annually report progress towards meeting environmental goals. The content of this document will be developed jointly with U.S. EPA with the goal of eventually replacing deliverables currently required under media specific grant workplans with a single Self Assessment document prepared on a state fiscal year basis. For State Fiscal Year 1997 (SFY 97), the self-assessment will include evaluation of progress of this Agreement and programs to be included in the agreement for SFY 98.
- d. Ohio EPA will propose individual media specific environmental program grants that can be consolidated into an ever decreasing number of program grants with the goal of eventually attaining a single Performance Partnership Grant for Ohio EPA;
- e. Ohio EPA will work with U.S. EPA to determine what steps need to be taken to convert federal fiscal year 1998 reporting requirements to a reporting system based on state fiscal years 1998.

- f. Ohio EPA will work with U.S. EPA to identify joint and separate environmental goals and determine how the achievement of these goals can be incorporated into specific environmental program activities completed by both U.S. EPA and Ohio EPA; and
- g. Ohio EPA will work with U.S. EPA to develop an ongoing process to define each Agency's roles and determine how these roles can be continually refined to ensure that each Agency's specific needs are accommodated. The end result of this effort will ensure that each Agency's environmental protection services are provided in the most cost-effective manner practicable and that each Agency recognizes the needs and responsibilities of the other Agency.

It is recognized that the EnPPA process is still evolving and the various aspects of a State/U.S. EPA EnPPA will change over time. The purpose of this EnPPA is to lay out a basic framework for changing the existing regime focused on media specific environmental programs where success is measured by the number of activities completed, to a multimedia system where success is measured by improvements in environmental quality.

For FFY 97, Ohio EPA will continue to operate on the grants established under the various media programs. A list of these grants is attached and is incorporated by reference as a part of this EnPPA. This EnPPA defines roles for Ohio EPA and U.S. EPA regarding their individual and joint priorities and initiatives which may not be clearly defined in media specific program grant workplans. This EnPPA also provides further definition on specific enforcement roles. It is recognized that this EnPPA is different from the media specific program grant workplans in some aspects. The intent of this initial EnPPA is to serve as an interim step towards the development of a comprehensive EnPPA which replaces media specific grant workplans in the future.

III. SCOPE OF THE AGREEMENT

This EnPPA attempts to further define the principles inherent in the media specific grant requirements for the period of this agreement. However, it should be noted that there may be additional activities warranting action that are not contemplated at this time.

Ohio EPA and U.S. EPA agree that coordination will occur as appropriate over the course of the agreement period to avoid overlap and duplication of effort in addressing new issues and concerns as they arise. Furthermore, it should be recognized that this agreement does not necessarily encompass every aspect of Ohio EPA's and U.S. EPA's current working relationship. This agreement does not replace or supersede statutes, regulations, or delegation agreements entered into previously with the State.

IV. DEFINITION OF ROLES AND PRIORITIES

The federal government has a fundamental responsibility to protect the integrity of the nation's environment and health of its diverse citizenry. Both U.S. EPA and individual states conduct environmental protection activities. In Ohio, the Ohio EPA is the primary implementor of environmental protection programs. The roles of the Ohio EPA and U.S. EPA will be determined by respective authority over an issue, available resources, and whether an issue is a joint priority or specific to one of the parties of this agreement.

Because pollution does not respect political boundaries, U.S. EPA must ensure that a consistent, level playing field exists across the nation. U.S. EPA performs this vital function by providing leadership when addressing environmental problems that cross state, regional and national borders and ensuring a consistent level of environmental protection for all citizens. U.S. EPA fulfills these responsibilities by working with its many partners--other federal agencies, states, tribes and local communities--to address high priority environmental problems. U.S. EPA also carries out an important role in reviewing state program performance and assisting states and other partners in building their capacity to ensure protection of public health and the environment.

One of the roles of U.S. EPA Region 5 as a partner to this agreement is to ensure that specified strategic objectives are addressed. U.S. EPA Region 5 and Ohio EPA, along with the other Region 5 states, have agreed to address the following joint priorities: brownfields redevelopment; the reduction of toxics in the environment, with a focus on mercury; community based environmental protection; measuring and managing for environmental results; and instituting cultural change in providing environmental protection services.

In addition to these joint priorities, both Ohio EPA and U.S. EPA Region 5 have identified additional long-term environmental priorities that need to be addressed.

Ohio EPA's priorities include ensuring all nonattainment areas attain air quality standards by the year 2000, reducing air toxics by 25% by the year 2000, testing and reviewing all public water supplies, increasing stream miles achieving swimmable/fishable goals from 50% to 75% by the year 2000, cleaning up 400 sites contaminated by past practices by the year 2000, ensuring that all landfills receiving waste meet current design, construction and operation standards by the year 2000, increasing participation in pollution prevention programs, and to

continuously improve the quality of service provided to the public.

U.S. EPA's priorities include ensuring environmental justice, cleaning up contaminated sediments, attainment of air quality standards for ozone, and the protection and restoration of critical ecosystems. To direct our limited resources to the places where these priorities can most effectively be addressed, U.S. EPA Region 5 has identified the Lake Erie Basin and northeast Ohio and as principal places for directing its activities in the State of Ohio. In addition, U.S. EPA Region 5 has committed to coordinating activities with U.S. EPA Regions 3 and 4 for an ongoing Geographic Initiative in the Ohio/Kentucky/West Virginia Tri-State area.

The current Ohio EPA Mission, Vision and Priorities and U.S. EPA Region 5's Environmental Priorities, Principal Places and Critical Approaches are attached. These items are identified in appropriate sections to demonstrate the linkage between Ohio EPA and U.S. EPA's joint priorities. It is recognized that these priorities will continue to be developed as the EnPPA process evolves.

V. QUALITY IMPROVEMENTS AND NEW APPROACHES

Both Ohio EPA and U.S. EPA want to maximize environmental and human health protection by improving the way we carry out our work and achieve our mission. Culture change may be everything from serving our customers better to seeking innovative approaches in setting standards and developing compliance strategies. Culture change permeates many new activities we undertake from Federal Regulatory re-invention efforts, to adopting agreements such as this Performance Partnership Agreement.

In an effort to provide an enhanced quality of service to Ohio residents, Ohio EPA and U.S. EPA will make every effort to utilize such concepts as cultural change and Ohio's Quality Service through Partnership program to improve environmental protection. These efforts will include, but will not be limited to, evaluating the opportunity for consolidated permits, multimedia inspections and alternative regulatory systems. These efforts will focus on areas suitable for community based/watershed management strategies. Ohio EPA and U.S. EPA will work to identify facilities and areas suitable for this type of management approach and cooperatively identify and eliminate impediments to such opportunities.

The elimination of redundant environmental permits eliminates confusion, loss of time and resources for all parties. Ohio EPA and U.S. EPA will work cooperatively to identify opportunities to

increase the scope of authorized and delegated programs to reduce the need for state and federal permits at the same facility for the same media. To the extent that the elimination of redundant permits is due to a lack of authorization/delegation of authority to the state, the Ohio EPA will submit authorization applications and respond to comments in a timely manner. U.S. EPA agrees to review applications and issue authorization in as expeditious a manner as possible. This agreement includes all media authorization processes and including State Implementation Plans (SIPs) for the air program.

Ohio EPA will document their training needs in all programs and work with U.S. EPA to determine the best allocation of available federal resources to provide training to state staff. This training will be established based on priorities which demonstrate the greatest opportunity for continuous improvement in all Ohio EPA programs.

VI. INCREASING STAKEHOLDER INVOLVEMENT AND PUBLIC PARTICIPATION

In all areas, in particular the community based/watershed management areas, Ohio EPA and U.S. EPA will develop processes to improve communication with all stakeholders, focusing on increasing public participation. This effort is particularly important in the consolidated permitting and community/watershed based management process. Both agencies will make an effort to establish a no surprises approach to the permitting process and involve all stakeholders in each step of the process.

U.S. EPA Region 5 will use its resources to help solve environmental problems in communities with community and stakeholder involvement as a facilitator and convener. U.S. EPA Region 5 has identified the Lake Erie Basin and northeast Ohio as specific places in the state on which to focus. U.S. EPA and Ohio EPA will work together to determine the most appropriate application of these resources, particularly in conjunction with Ohio EPA lead in the RAP and LAMP processes.

Ohio EPA will continue to build effective communications processes with all stakeholders, focusing on public participation. These communications will be enhanced by the further use of new programs within the Agency. These programs will include the Small Business Assistance Office, the Office of Pollution Prevention, The Comparative Risk Project, and the Ohio Environmental Education Fund. In addition, Ohio EPA will utilize expanded public participation in all of its policy and rule making efforts. U.S. EPA will provide support to these offices as requested depending upon available funds.

VII. DEVELOPING PRIORITIES AND ENVIRONMENTAL INDICATORS

U.S. EPA Region 5 and the six Region 5 States have agreed that measuring and managing for environmental results is a joint priority and have formed a senior management Steering Committee to oversee and direct the implementation of this effort. This committee will identify the commonalities in environmental goals and indicators being used by U.S. EPA and the States to weave these into a common approach.

The major vehicle for documenting how the States and U.S. EPA will measure and manage for environmental results is the Environmental Performance Partnership Agreements which will include joint priorities; national goals and indicators, as appropriate; regional priorities and indicators, as appropriate; and state-specific priorities and indicators. A list of environmental measures for Ohio EPA and U.S. EPA Region 5 is attached as an appendix. Both agencies recognize that these measures will be analyzed and modified during FFY '97 as the development of environmental indicators and joint priorities progresses.

Ohio EPA will continue to improve its current monitoring programs. This includes the development of additional indicators to demonstrate environmental quality and indicators for community involvement and compliance. In addition, Ohio EPA will continue to develop its overall environmental indicator program through its work on the U.S. EPA Region 5 Indicators Steering Committee, development of the Ohio Comparative Risk Project, and other methods. The Ohio Comparative Risk Project will be used to develop additional measures for progress and to set priorities for future environmental management efforts. These indicators may be linked to specific geographic/community based units. In addition, Ohio EPA is completing a Strategic Management Process which will identify long-term goals and strategies on an ongoing basis.

U.S. EPA Region 5 is committed to relying heavily on environmental data to evaluate environmental conditions, identify existing and emerging environmental problems, set environmental priorities, and make decisions to address the highest priorities in a flexible and responsive manner. For federal fiscal year 1997, U.S. EPA Region 5 is identifying and further refining environmental goals and performance measures for their top six environmental problems and for the ten critical places. U.S. EPA Region 5 is also establishing partnerships with other Federal, State, Tribal, and local agencies to facilitate the sharing of environmental data and information to use in establishing and tracking environmental indicators.

The completion of the Ohio Comparative Risk Project will be a key factor in determining the priorities for Ohio EPA over the next several years. The project will be a measure of public involvement, education and priority setting for Ohio EPA.

VIII. ACHIEVING ENVIRONMENTAL RESULTS

A. Toxics Reduction and Pollution Prevention

Environmental stakeholders realize that economic prosperity and environmental sustainability are inextricably linked: sound environmental practices often mean higher profits. Ohio EPA will use pollution prevention as the primary means for achieving toxics reduction in all of its environmental programs. Ohio EPA will continue to develop and implement innovative approaches that integrate pollution prevention into inspections, compliance, permitting, reporting, rules, assistance efforts and environmental indicators. Specific examples of where pollution prevention is being used to achieve reductions in toxics and other types of pollutants are provided in other sections.

Pollution Prevention: In order to advance the widespread implementation of pollution prevention practices within the public and private sectors, Ohio EPA and U.S. EPA seek to instill a holistic and dynamic pollution prevention ethic within employees, teams, base programs, external stakeholders and the general public which results in the measurable reduction of pollution. Ohio EPA will continue to implement and revise its strategy for incorporating pollution prevention into all of its environmental programs through training and other internal technical assistance efforts.

Ohio EPA will continue to implement the Ohio Prevention First initiative to determine pollution prevention and toxics reduction activity among 161 of Ohio largest facilities. This initiative initially requested the top 100 Toxic Release Inventory reporters to voluntarily prepare pollution prevention plans and commit to reductions for all environmental pollutants with a 50% statewide reduction goal by 2000. Ohio EPA will continue to provide pollution prevention technical assistance to Ohio facilities through training, onsite visits, information dissemination and others types of assistance.

Toxics Reduction: U.S. EPA will support Ohio EPA's efforts to implement innovative programs to reduce toxics, including mercury, through Alternative Regulatory Systems (ARS), consolidated permits, multimedia inspections and other non-traditional efforts.

In the area of regulation, U.S. EPA will assist States with implementation of municipal waste incinerator emission standards, and with the medical waste incinerator emission standards expected to be promulgated in 1997. In addition, U.S. EPA will evaluate alternatives to the incineration of organomercuric wastes and will explore options for safely landfilling mercury.

In addition to this effort, Ohio EPA will continue its participation in efforts to reduce mercury through pollution prevention efforts and participation in the Virtual Elimination Strategy. U.S. EPA will work closely with States on the goal of mercury reduction through technical support, information-sharing, scientific research, financial assistance, and regulation. U.S. EPA will continue to provide a forum for States to share information about mercury reduction activities, and will disseminate results of research on health and ecosystem impacts of mercury and on mercury sources and transport. U.S. EPA will also help States develop goals, milestones and indicators for mercury reduction. Furthermore, where possible, U.S. EPA will make available funding for mercury pollution prevention activities.

B. Protecting and Improving Air Quality

Bring All Non-Attainment Areas Up to Air Quality Standards: Ohio EPA will take all necessary steps to bring all non-attainment areas up to applicable air quality standards. With regard to ozone, Ohio will continue its participation in the Ozone Transport Assessment Group (OTAG) in an effort to assist U.S. EPA in achieving the national air quality standard for ozone. U.S. EPA will review and act on all applications for redesignation in a timely manner.

In addition to working with Ohio EPA on Clean Air Act rulemaking and permitting, U.S. EPA Region 5 will be conducting an outreach effort to certain communities regarding ozone health effects, the potential ozone standard revisions and the decisions the communities should help make on control measures for attaining safe ozone levels. In addition, U.S. EPA Region 5 will be developing an asthma outreach strategy to educate the public on the relationship between ozone and asthma, including prevention measures, particularly targeting the elderly and parents of children, especially in minority areas, populations that are especially vulnerable. U.S. EPA Region 5 will be working with State, local agencies and community groups as appropriate.

Air Toxics Reduction: Ohio EPA will reduce air toxics 5% per year for a five year period between 1992 and 1997, for a total reduction in air toxics of 25%.

C. Protecting and Improving Water Quality

Increase Streams Achieving Swimmable/Fishable Goals: The effective management of water resources is becoming increasingly complex. Efforts to improve the quality of streams is tied to the efforts of groups of individuals rather than the traditional regulation of individual point sources. The impact of community,

individual, and agricultural activities as well as those of industry on our water quality is becoming clear to all stakeholders. In order to enhance the ability of the Ohio EPA to impact stream quality in the State of Ohio, we will begin focusing the efforts of the surface water management program on selected watershed areas around the state.

New Approaches: The community/watershed based approach will include several new concepts to focus the impact on selected streams. The first is the integration of multimedia inspection/enforcement efforts into selected areas of the state. These inspections will target sites which have an increased likelihood of impacting surface water quality. These inspections will include waste, water and air sources from industrial, community, and regulated and unregulated waste sites. They will also use pollution prevention as a primary means of achieving environmental improvements. The new Ohio Watershed Network (OWN) program will also be utilized to increase public involvement and ownership in improving streams on a watershed basis.

Ohio EPA and U.S. EPA will select, cooperatively, targeted areas for the multimedia efforts which will include but not be limited to efforts in the Northeastern Ohio and Lake Erie watersheds. Respective roles will be agreed to in modifications to current media grants. Examples of specific roles may include assistance by U.S. EPA with Ohio EPA stream sampling and monitoring efforts in specified locations, state lead on non-NPL site remediation impacting stream quality, federal lead on NPL sites, and assistance from U.S. EPA on eliminating barriers to consolidated permits and alternate regulatory systems.

Cleaning up contaminated sediments: U.S. EPA will work with Ohio EPA on attaining the goal of cleaning up contaminated sediments and prevention of new or additional sediment contamination through a variety of means. These efforts will include: technical support, information sharing, scientific research and development, financial assistance, community outreach and education, assistance in siting final disposal facilities for dredgings, partnering and support of voluntary efforts, and regulatory support. The focus of these efforts will be on the priority places including the Great Lakes Areas of Concern and other waterways identified by our partners. Ohio EPA will use its Sediments Work Group to focus on determining the sediment issues which are in need of the greatest assistance from U.S. EPA and developing measures of success in this area.

D. Protecting and Improving Land Resources

Remediate Sites Contaminated By Past Practices: The remediation of former industrial sites and waste disposal sites contaminated by past practices is becoming more important as proposed industrial locations receive closer scrutiny and more opposition.

The ability to re-utilize former industrial sites, known as “brownfields,” is an important factor in the redevelopment of economically impacted areas, as well as the preservation of currently un-impacted sites. Ohio EPA is making a major effort to encourage the reuse of former industrial sites through the development of its Voluntary Action Program (VAP).

Cleanup and redevelopment of these parcels is a high priority for U.S. EPA and Region 5 will facilitate a dialogue among all parties, provide appropriate funding where available for pilots, and will work to remove the stigma of contamination from Brownfields sites. It is not U.S. EPA's intent to revisit sites that are handled under Ohio's brownfields initiative unless special circumstances are brought to U.S. EPA's attention. U.S. EPA will support Ohio's redevelopment efforts through all media programs, especially within the regulatory framework of CERCLA and RCRA.

E. Ensure Environmental Justice

U.S. EPA Region 5 is also committed to take environmental justice into account in carrying out the above joint priorities to the maximum extent possible. To that end, U.S. EPA Region 5 Ohio EPA agree to discuss ways in which we can coordinate our efforts and/or jointly develop a position paper that explores avenues by which U.S. EPA Region 5 and Ohio EPA can partner in ensuring environmental justice.

F. Protection and Restoration of Critical Ecosystems in U.S. EPA Region 5 and the Great Lakes Basin - U.S. EPA Federal Role

In accordance with the recommendations of the National Advisory Council for Environmental Policy and Technology (NACEPT) (June 1996) and the directives from U.S. EPA Headquarters, the role of U.S. EPA, with respect to the Protection and Restoration of Critical Ecosystems in U.S. Region 5 and the Great Lakes Basin, will be to foster stewardship by our partners among the public, in private organizations, business and industry, and government. While the role of U.S. EPA has changed and continues to change, the new approaches should supplement and enhance media-specific regulations and standards.

U.S. EPA will:

- Provide and seek training;
- Enhance coordination and collaboration with partners;
- Seek direction and focus through consultation and dialog with its regional and Great Lakes partners;
- Promote the use of mediation and negotiation to solve environmental problems;

- Provide traditional and innovative applications of enforcement to ensure compliance with the law and maintain national consistency; and
- Assume the various roles of partner, convener, facilitator, mediator, etc. as the particular instance dictates.

U.S. EPA will continue, as it has done in the past, to ensure that there is national consistency in the application of environmental laws, address transboundary issues between the States, and with Canada, and enforce federal environmental laws.

G. Improving the Quality of Lake Erie

U.S. EPA's Great Lakes Program brings together Federal, state, tribal, local, and industry partners in an integrated, ecosystem approach to protect, maintain, and restore the chemical, biological, and physical integrity of the Great Lakes. The Boundary Waters Treaty of 1909 and the 1987 Great Lakes Water Quality Agreement (GLWQA) with Canada provide the basis for our international efforts to manage this shared resource. Additional responsibilities are defined in Section 118 of the Clean Water Act, Section 112 of the Clean Air Act Amendments, and the Great Lakes Critical Programs Act of 1990. The Great Lakes 5-Year Strategy, developed jointly by EPA and its multi-state, multi-Agency partners and built on the foundation of the GLWQA, provides the agenda for Great Lakes ecosystem management: reducing toxic substances; protecting and restoring important habitats; and protecting human/ecosystem species health.

The Federal role in the Great Lakes is to steer this effort and to provide timely technical support and assistance, coordinating not only with U.S. partners, but also with Canadian counterparts. Federal efforts are organized in a nested structure. U.S. EPA's Great Lakes National Program Office (GLNPO) steers and coordinates activities at a Great Lakes Basin-wide level. Regional Teams and programs steer and coordinate activities focusing on Lakes Ontario, Michigan, Erie, and Superior and their Areas of Concern. For FFY 97, U.S. EPA will:

Monitor Lake ecosystem indicators: The joint GLNPO/Canadian atmospheric deposition network (including air monitoring stations on each Great Lake) will provide trend and baseline data to support and target remedial efforts and measure environmental progress under Remedial Action Plans (RAPs) and Lakewide Management Plans (LaMPs). GLNPO, with its Canadian counterparts, will report on environmental indicators in the biennial State of the Lakes Ecosystem Conference which will bring together over 400 representatives of the public and private sectors to facilitate risk- and science-based decision-making.

Manage and provide public access to Great Lakes data: U.S. EPA's integrated Great Lakes information system, developed by GLNPO and its state and Federal partners, will deliver scientifically sound, easily accessible environmental information to decision makers and the public by traditional means and via the Internet. GLNPO will pilot techniques to provide public access to the Lake Michigan Mass Balance (LMMB) data via the Internet.

Help communities address contaminated sediments in their harbors: U.S. EPA will complete its \$1.5 million contribution to the third on-the-ground State/Federal cleanup of contaminated sediments at a competitively chosen Great Lakes location. In addition, GLNPO will do field work and fund contaminant assessment and remedial design for State and local groups at Areas of Concern.

Support local protection and restoration of important habitats: Region 5 GLNPO will assist new habitat protection/restorations at ecologically important locations around the Great Lakes Basin.

Promote pollution prevention through activities and projects such as Virtual Elimination: U.S. EPA will continue to target reduction of toxics, with an emphasis on those addressed in the Binational Virtual Elimination Strategy.

Provide and promote community-based environmental protection, especially in Areas of Concern: U.S. EPA will work side-by-side with, and provide funding for, local communities to address environmental concerns in the four Areas of Concern in Ohio.

Co-Chair the Lake Erie Lakewide Management Plan (LaMP) program: U.S. EPA Region 5 will continue to serve as co-chair of the technical Workgroup and Management Committee of the binational Lake Erie LaMP program, which has as its goal the development of common objectives and joint commitments for ecosystem management among the LaMP partners. U.S. EPA will continue to provide grant support for Ohio's lead State role in the LaMP process. Ohio will continue to participate as members of the Management Committee, Beneficial Use Impairment Subcommittee, Sources and Loading, Public Participation committees.

H. Northeast Ohio Initiative

The USEPA, Region V office, is continuing its focus on redirecting the Region's efforts to achieve a vision to bring about a more sustainable environment through more effective problem solving. Three types of activities to approach problem solving are establishing environmental priorities, identifying principal places where problems require a cooperative effort by several organizations, and using critical approaches that are both traditional and new methods. The Northeast Ohio Initiative is a result of this strategic approach.

Community Based Environmental Protection (CBEP) was introduced by USEPA as an approach to improve effectiveness of nation-wide regulations and other environmental programs. Many problems result from a multitude of dispersed sources of pollution and are more difficult to control with traditional "end of the pipe" regulation than are large, industrial sources of pollution. There is a need to treat all resources in a place as an interconnected part of a system. The Geographic focus will allow a more comprehensive approach to environmental protection.

USEPA and Ohio EPA will work together to tailor programs' requirements to the state and local community needs while emphasizing a more integrated approach to environmental protection. Relationships established with regional and community organizations bring about a better understanding of environmental problems as well as more effective solutions.

Stakeholder involvement through the Regional Environmental Priorities Project surfaced as one of the top five environmental concerns of the community. The Ohio EPA and USEPA will work together in a Northeast Ohio Initiative to support appropriate state agencies and local community partners in addressing their goals and priorities. This includes achieving sustainable development, restoring the quality of the urban environment, virtually eliminating toxics, especially PCBs, attaining and maintaining national ambient air quality standards, and virtually eliminating impaired water quality uses.

IX. ENFORCEMENT AND COMPLIANCE ASSURANCE

Enforcement and compliance assurance activities are critical to ensuring that regulated entities who violate environmental requirements do not gain a competitive advantage over those who comply with environmental laws. U.S. EPA and Ohio EPA recognize that compliance assurance includes a broad range of activities including compliance assistance. U.S. EPA carries out its responsibilities in the enforcement arena in a variety of ways with a goal of ensuring that national standards for the protection of human health and the environment are implemented, monitored and enforced consistently in all States. Under this EnPPA, U.S. EPA and Ohio EPA retain their authorities and responsibilities to conduct enforcement and compliance assurance. Specific federal enforcement and compliance assurance responsibilities include:

- Work on national priorities (e.g., multimedia inspections, companies with significant company-wide non-compliance in several States, and Headquarters Priority Sectors).

- Work on regional priorities, including enforcement and compliance assistance in U.S. EPA Region 5's 10 Principal Places, as well as using this approach to ensure environmental justice (EJ), toxic reduction and pollution prevention, sediment clean up, brownfield redevelopment, attainment of NAAQS for Ozone, and protection and restoration of critical Ecosystems.
- Working together to ensure timely and appropriate enforcement in State Programs.
- Ensuring a level playing field and national consistency across state boundaries.
- Addressing interstate and international pollution.
- Multimedia inspections and enforcement at federal facilities.
- Enforcement in non-delegated, partially-delegated or non-delegable programs.
- Enforcement to assure compliance with federal consent decrees, consent agreements, federal interagency agreements, judgements and orders.

Ohio EPA shall be responsible for the enforcement of all State statutes and regulation. Ohio EPA is also responsible for the enforcement of all state issued permits and permit conditions. For programs delegated to the state by U.S. EPA, the state shall maintain authority for enforcement. However, Ohio EPA may request U.S. EPA assistance in an enforcement action. U.S. EPA may initiate a federal enforcement action if the state fails to take timely and appropriate action. U.S. EPA retains enforcement authority for all non-delegated federal programs. U.S. EPA retains authority for enforcement of all federal permits and their conditions.

U.S. EPA and Ohio EPA shall coordinate regulatory interpretations for delegated and approved programs, identifying instances when agency interpretations differ. The Agencies will attempt to resolve interpretation differences and to the extent practical, U.S. EPA will defer to Ohio EPA state regulation interpretations and Ohio EPA will defer to U.S. EPA interpretations of federal law. Both agencies recognize U.S. EPA's authority to take a federal enforcement if Ohio EPA has a less stringent interpretation. Requests for assistance in making interpretations regarding delegated and approved programs may be made by the state and will be acted upon within a reasonable time by U.S. EPA.

In FY 1997, U.S. EPA and Ohio EPA agree to work toward a goal of optimizing the use of the agencies' combined resources to secure

compliance. The objective of Ohio EPA and U.S. EPA enforcement and compliance programs is to encourage regulatory compliance and correct violations. To achieve these goals, the Ohio EPA will identify and evaluate existing enforcement response plans, updating them as necessary to ensure that timely and appropriate enforcement can be conducted.

For both Ohio EPA and U.S. EPA, enforcement and compliance assistance is conducted in the individual media programs. However, both agencies conduct multimedia enforcement and compliance assurance activities which will require coordination. U.S. EPA and Ohio EPA will openly share information on enforcement and compliance assurance activities in the State of Ohio. While individual program activities will be coordinated on a program specific basis, multimedia activities will be coordinated between U.S. EPA Region 5's Office of Enforcement and Compliance Assurance (OECA) and Ohio EPA media specific enforcement programs. A request for state participation in a multimedia inspection conducted under the PCB Cooperative Agreement should go through the project officer. Specific multimedia activities that Ohio EPA and U.S. EPA will work together on in FFY 1997 include multimedia inspections and compliance assessments of mini-mills. Additional multimedia activities are included in the program specific grants.

The effectiveness of Ohio EPA and U.S. EPA's enforcement and compliance assurance efforts will be measured and reported through the individual media programs. U.S. EPA and Ohio EPA will work together during FFY 1997 to develop meaningful environmental indicators for enforcement and compliance assurance activities.

X. DATA

To facilitate information sharing through improved data integration, U.S. EPA Region 5 and Ohio EPA will work together to (1) collect, quality assure, and store locational data from facility, discharge, and monitoring points; (2) create standardized facility identification coding; (3) assess collective data needs to support decision making; and (4) develop and implement improved processes to share data, information, and analysis tools.

XI. INCORPORATION BY REFERENCE

No single document exists that thoroughly describes Ohio EPA's activities, goals and priorities, including this agreement. A number of assessments, studies and planning documents are an integral part of both Ohio EPA's and U.S. EPA's collective efforts to protect and enhance the environmental quality of

the State of Ohio. Although these documents could not be directly included in this agreement due to the sheer volume of materials, they are incorporated as a part of this agreement by reference. These documents include:

- Ohio EPA Strategic Management Plan
- Media Specific Federal Program Grants and their respective work plans
- USEPA Region 5 Agenda for Action

XII. AGREEMENT

This Agreement is hereby entered into this ____ day of December, 1996 and remains in effect until September 30, 1997, unless amended by mutual consent.

Valdas V. Adamkus
Regional Administrator
U.S. Environmental
Protection Agency
Region 5

Donald R. Schregardus
Director
Ohio Environmental
Protection Agency

APPENDIX A

OHIO EPA MISSION, VISION AND PRIORITIES AND U.S. EPA REGION V ENVIRONMENTAL PRIORITIES, PRINCIPAL PLACES AND CRITICAL APPROACHES

SECTION ONE: OHIO EPA

VISION STATEMENT: Ohio EPA is recognized as a leader in environmental stewardship through innovative programs, quality service and broad public participation, in support of clean air, land, water and healthy ecosystems for the citizens of Ohio.

MISSION STATEMENT: To protect human health and the environment through responsible regulation supported by sound science, effective management and comprehensive environmental education.

PRIORITIES

1. GOAL: Improve the quality of service provided by Ohio EPA.

INDICATORS: a) Average time to issue air and surface water permits and drinking water plan approvals (Quarterly measure); b) Biannual quality rating by customers (permittees, citizens); c) Status of the E-check automobile testing program (line time and customer survey); d) Number of companies provided compliance and/or technical assistance (Quarterly measure).

2. GOAL: Air quality - All non-attainment areas will attain air quality standards by the year 2000. Air toxics will be reduced by 25%.

INDICATORS: a) Number of air quality standard violations (Quality measure); b) Toxic Release Inventory report - chart with total releases. (Annual measure); c) Status of Clean Air Act requirements - written summary of progress of CAA deadlines 1990 to present (Quality measure).

3. GOAL: Water Quality - Test and review all public water supplies.

INDICATORS: a) Review all public water systems; b) Percentage of Public Water Supplies with no maximum contaminant violations (Semi-annual measure); c) Percentage of previously uninspected Public Water Systems inspected (Quarterly measure).

4. GOAL: Water Quality - Increase streams achieving swimmable/fishable goals from 50% to 75% by the year 2000.

INDICATORS: a) Aquatic life/recreation designated uses - 75% of streams meet aquatic/recreational use designations statewide. Examine progress at watershed scale; b) Fish consumption 100% goal, no streams with fish consumption advisories. Test the condition of finished water; c) Toxic Release Inventory report - chart with total releases (Annual measure); d) Number of acres utilizing no-till farming (measure to be determined); d) Number of companies provide compliance and/or technical assistance (Quarterly measure).

5. GOAL: Hazardous Waste - Clean up 400 sites contaminated by past practices by the year 2000.

INDICATORS: a) Number of state-lead sites completed (Annual measure); b) Number of Voluntary Action sites completed (Annual measure); c) Number of RCRA sites “closed” (Annual measure); d) Number of RCRA sites with completed corrective actions (Annual measure).

6. GOAL: Solid Waste - All waste going to landfills that meet current design, construction and operation standards by the year 2000.

INDICATORS: a) Number of sites that meet DSIWM rules (Annual measure); b) Percentage of garbage by tonnage going to landfills that meet current rules (Annual measure).

7. GOAL: Increase pollution prevention activity at Ohio EPA and increase participation in pollution prevention programs by other organizations.

INDICATORS: a) Number of entities participating in Prevention First and percentage of top 100 TRI reporters eligible to participate (Annual measure); b) Amount of pollution prevented/reduced from Prevention First participants (Annual measure); c) Number of companies provided pollution prevention technical assistance (Quarterly and annual measure); d) Number of companies provided financial support including funds provided and pounds of pollution expected to be prevented (Quality and annual measure); e) Update on high priority pollution prevention related projects including updates on the Great Printers Project and the Common Sense Initiative - Iron and Steel (Quarterly and annual measure); f) Number and/or percentage of enforcement settlements, permits and other projects/activities that include pollution prevention in Ohio EPA regulatory programs.

SECTION TWO: U.S. EPA

VISION STATEMENTS

A sustainable environment where air, water and land resources are restored and protected to benefit all life.

Together we can solve environmental problems with communities in common sense ways.

ENVIRONMENTAL PRIORITIES

1. Reducing toxicants, especially mercury
2. Redeveloping brownfields
3. Ensuring environmental justice
4. Cleaning up sediments
5. Attaining the air quality standard for ozone
6. Protecting and restoring critical ecosystems

PRINCIPAL PLACES

1. Great Lakes: Lake Superior, Lake Michigan and Lake Erie
2. Upper Mississippi River Basin
3. Greater Chicago
4. Southeast Michigan
5. Gateway - St. Louis/East St. Louis Area
6. Northeast Ohio
7. Crandon Mine
8. Northwest Indiana
9. Tribal Lands
10. International areas

CRITICAL APPROACHES

1. Internal resource investments for change
2. Community based environmental protection
3. Common sense measures
4. Pollution prevention
5. Partnerships with States, tribes, local governments, and other Federal Agencies
6. Enhanced public communication
7. Enforcement and compliance assurance
8. Multimedia perspectives
9. Risk and science based decision making
10. Measurement and management for environmental results

APPENDIX B

ENVIRONMENTAL PERFORMANCE MEASURES

OHIO EPA GOALS	OHIO EPA PERFORMANCE MEASURES	U.S. EPA PRIORITIES/CRITICAL APPROACHES	U.S. EPA PERFORMANCE MEASURES/COMMITMENTS
Improve the quality of service provided by Ohio EPA.	a) Average time to issue air and surface water permits and drinking water plan approvals	Internal resource investments for change; Using common sense; State/Local/Tribal Partnerships; Enhanced public communication; Enforcement and compliance assurance; Multimedia approaches; Ensure environmental justice; Agency Universal customer Service Standards	Technical assistance upon request; Assist in determining best allocation of federal resources for training needs documented by Ohio EPA; Assist in developing a no surprise approach to permitting and involving all stakeholders; Serve as a facilitator and convener for public involvement process; Provide requested support for Ohio EPA expanded public participation processes. Work with Ohio EPA to improve data collection, management and quality assurance activities.
	b) Biannual quality rating by customers (permittees, citizens)		
	c) Status of E-check program (line time and customer survey)		
	d) Number of companies provided compliance and/or technical assistance		
	e) Continued development of EnPPA; Development of environmental measures; Development of Self Assessment protocol; Further development of environmental goals; Further definition of respective roles; Participate on senior management Steering Committee for measuring and managing environmental results.		Continued development of EnPPA; Development of environmental measures; Development of Self Assessment protocol; Further development of environmental goals; Further definition of respective roles; Participate on senior management Steering Committee for measuring and managing environmental results.

OHIO EPA GOALS	OHIO EPA PERFORMANCE MEASURES	U.S. EPA PRIORITIES/CRITICAL APPROACHES	U.S. EPA PERFORMANCE MEASURES/COMMITMENTS
Air quality - All non-attainment areas will attain air quality standards by the year 2000. Air toxics will be reduced by 25%.	a) Number of air quality standard violations	Reduction of toxics, focusing on mercury; Preventing pollution; Attain air quality standards for ozone; State/Local/Tribal Partnerships; Enforcement and compliance assurance; Risk and science based decision making	Expedition review of author-ization/deleg-ation requests, including SIPs Technical assistance upon request; Review and act on all redesignation requests for ozone attainment in a timely manner; Conduct outreach effort regarding ozone health effects and other issues; Develop asthma outreach strategy; Assist with implement-ation of mun-icipal waste and medical waste incineration standards; Evaluate alternatives to incineration of organomercuric wastes and safe options for landfilling mercury.
	b) Toxic Release Inventory report - chart with total releases		
	c) Status of Clean Air Act requirements - written summary of progress of CAA deadlines 1990 to present		
Water Quality - Test and review all public water supplies.	a) Review all public water systems	Community based environmental protection; State/Local/Trib-al Partnerships; Enforcement and compliance assurance; Risk and science based decision making	Technical assistance upon request
	b) Percentage of Public Water Supplies with no maximum contaminant violations		
	c) Percentage of previously uninspected Public Water Systems inspected		

OHIO EPA GOALS	OHIO EPA PERFORMANCE MEASURES	U.S. EPA PRIORITIES/CRITICAL APPROACHES	U.S. EPA PERFORMANCE MEASURES/COMMITMENTS
Water Quality - Increase streams achieving swimmable/fishable goals from 50% to 75% by the year 2000.	a) Aquatic life/recreation designated uses - 75% goal applied statewide. Examine progress at watershed scaled)	Reduction of toxics, focusing on mercury; Sediment clean up Protect and restore critical Ecosystems; Community based environmental protection; Preventing pollution; State/ Local/Tribal Partnerships; En-hanced public communication; Enforcement and compliance assurance; Multimedia approaches; Risk and science based decision making; Measuring and managing for environmental results	Steer the Great Lakes 5-Year Strategy effort and provide timely technical support and assistance, coordinating not only with U.S. partners, but also with Canadian counterparts. Monitor Lake ecosystem indicators; Manage and provide public access to Great Lakes data; Help communities address contaminated sediments in their harbors; Support local protection and restoration of important Ecosystems; Promote pollution prevention through activities and projects such as Virtual Elimination; Provide and promote community-based environmental protection, especially in Areas of Concern; coordinate the Northeast Ohio Initiative; and Co-Chair the Lake Erie Lakewide Management Plan (LaMP) program;
	b) Fish consumption 100% goal. Test the condition of finished water		
	c) Toxic Release Inventory report - chart with total releases		
	d) Number of acres utilizing no-till farming (measure to be determined)		

OHIO EPA GOALS	OHIO EPA PERFORMANCE MEASURES	U.S. EPA PRIORITIES/CRITICAL APPROACHES	U.S. EPA PERFORMANCE MEASURES/COMMITMENTS
			Assist in selecting targeted areas for new community/watershed based approaches and assisting in implementing these approaches; Provide technical support, information sharing, scientific research and development, financial assistance, community outreach and education, partnering and support of voluntary efforts, and regulatory support for cleaning up contaminated sediments.
Hazardous Waste - Clean up 400 sites contaminated by past practices by the year 2000	a) Number of state-lead sites completed	Brownfields redevelopment; Ensure environmental justice; Protect and restore critical Ecosystems; Community based environmental protection; Using common sense; State/Local/Trib-al Partnerships; Enhanced public communication; Enforcement and compliance assurance; Multimedia approaches; Risk and science based decision making	Facilitate a dialogue among all parties, provide appropriate funding where available for pilots, and work to remove the stigma of contamination from Brownfields sites.
	b) Number of Voluntary Action sites completed		
	c) Number of RCRA sites "closed"		
	d) Number of RCRA sites with completed corrective actions		
Solid Waste - All waste going to landfills that meet current design, construction and operation standards by the year 2000.	a) Number of sites that meet DSIWM rules	Community based environmental protection; State/Local/Trib-al Partnerships; Enhanced public communication; Enforcement and compliance assurance; Risk and science based decision making	Technical assistance upon request
	b) Percentage of garbage by tonnage going to landfills that meet current rules		

OHIO EPA GOALS	OHIO EPA PERFORMANCE MEASURES	U.S. EPA PRIORITIES/CRITICAL APPROACHES	U.S. EPA PERFORMANCE MEASURES/COMMITMENTS
Increase pollution prevention activity at Ohio EPA and increase participation in pollution prevention programs by other organizations.	a) Number of entities participating in <u>Prevention First</u> and percentage of top 100 TRI reporters eligible to participate	Reduction of toxics, focusing on mercury; Community based environmental protection; Using common sense; Preventing pollution; State/Local/Tri-bal Partnerships; Multimedia approaches; Measuring and managing for environmental results	Continue to integrate pollution prevention into all federal environmental programs; Assistance in developing and implementing consolidated permits, multimedia inspections and alternative regulatory systems; Provide information, assistance with developing goals and milestones, a forum for states to share information and funding for mercury pollution prevention activities.
	b) Amount of pollution prevented/reduced from <u>Prevention First</u> participants		
	c) Number of companies provided pollution prevention technical assistance		
	d) Number of companies provided financial support including funds provided and pounds of pollution expected to be prevented		
	e) Update on high priority pollution prevention related projects including updates on the Great Printers Project and the Common Sense Initiative - Iron and Steel		
	f) Number and/or percentage of enforcement settlements, permits and other projects/activities that include pollution prevention in Ohio EPA regulatory programs.		
Not linked to a specific Ohio EPA Goal	Assistance in completing Northeast Ohio Geographic Initiative and completion of Tri-State Geographic Initiative (OH/KY/WV)	Community based environmental protection	Lead in coordinating Northeast Ohio Geographic Initiative and assistance as needed in completing Tri-State Geographic Initiative (OH/KY/WV)

OHIO EPA GOALS	OHIO EPA PERFORMANCE MEASURES	U.S. EPA PRIORITIES/CRITICAL APPROACHES	U.S. EPA PERFORMANCE MEASURES/COMMITMENTS
Not linked to a specific Ohio EPA Goal	Develop and implement consolidated permits, multimedia inspections and alternative regulatory systems. Identify potential facilities and areas for these types of approaches and help to remove impediments to implementation.	Multimedia approaches	Assistance in developing and implementing consolidated permits, multimedia inspections and alternative regulatory systems. Help to identify potential facilities and areas for these types of approaches and help to remove impediments to implementation.
Not linked to a specific Ohio EPA Goal	Discuss with U.S. EPA, ways in which we can coordinate our efforts and/or jointly develop a position paper that explores avenues by which U.S. EPA Region 5 and Ohio EPA can partner in ensuring environmental justice.	Environmental Justice	Discuss with Ohio EPA, ways in which we can coordinate our efforts and/or jointly develop a position paper that explores avenues by which U.S. EPA Region 5 and Ohio EPA can partner in ensuring environmental justice.

OHIO EPA GOALS	OHIO EPA PERFORMANCE MEASURES	U.S. EPA PRIORITIES/CRITICAL APPROACHES	U.S. EPA PERFORMANCE MEASURES/COMMITMENTS
Not linked to a specific Ohio EPA Goal	Assist U.S. EPA	Protect and restore critical Ecosystems	With respect to the protection and restoration of critical Ecosystems, U.S. EPA will: Provide and seek training; Enhance coordination and collaboration with partners; Seek direction and focus through consultation and dialog with its regional and Great Lakes partners; Promote the use of mediation and negotiation to solve environmental problems; Provide traditional and innovative applications of enforcement to ensure compliance with the law and maintain national consistency; and Assume the various roles of partner, convener, facilitator, mediator, etc. as the particular instance dictates.

OHIO EPA GOALS	OHIO EPA PERFORMANCE MEASURES	U.S. EPA PRIORITIES/CRITICAL APPROACHES	U.S. EPA PERFORMANCE MEASURES/COMMITMENTS
Not linked to a specific Ohio EPA Goal	Perform enforcement and compliance assurance activities as specified in media specific program grant workplans	Enforcement and compliance assurance activities	U.S. EPA responsibilities include: Work on regional priorities, including enforcement and compliance assistance in U.S. EPA Region 5's 10 Principal Places; Filling the gaps, if any, to ensure timely and appropriate enforcement in State programs; Ensure a level playing field and national consistency across state boundaries; Addressing interstate and international pollution; Multimedia inspections and enforcement at federal facilities; Enforcement in non-delegated, partially-delegated or non-delegable programs; Enforcement to assure compliance with federal consent decrees, onset agreements, federal inter-agency agreements, judgements and orders. Coordinate multi-media enforcement and compliance assurance activities with Ohio EPA. Specifically,
			multimedia inspections and compliance assessments of mini-mills.

APPENDIX C

OHIO EPA FEDERAL GRANTS LIST

Ohio Wetlands Program Development
Maumee AOC Phase III
Maumee AOC Phase III
LAMP
Sediment
Remedial Action Plan
Watershed Management Program (Scioto River)
CERCLA Funded: Fields Brook Source
CERCLA Funded: Fields Brook Sediment
CERCLA Enforcement: Union Carbide North Landfill
Class V UIC Grant
FFY97 Air Local
FFY97 Air Basic
FFY97 PWSSP
FFY97 UIC
FFY97 604B
FFY94-95 State Revolving Fund
FFY97 Watershed Grant
Watershed Projects Program
SRF Funding Framework Model Development
Area of Concern Reference Site Sediment
Maumee River AOC Contaminated Sediments
Great Lakes Coordinator
106 Surface Water (IWP)
FFY97 106 Groundwater (IWP)
FFY96 604B Program
FFY97 TSCA/PCB
Pollution Prevention Incentives for States
Ohio RCRA/Hazardous Grant
CERCLA Enforcement: SACM
Superfund Core
CWA Section 104(G)(1) Outreach Operator Training
Preliminary Assessment/Site
Stormwater
Pollution Prevention (Stormwater)
Sludge Management
GLNPO Sediment Remediation
Ohio Wetlands Program Development
State Revolving Fund

FFY95 319H
Developing Wetlands Rapid Assessment
FFY96 Ohio Wetlands Development Program
Coastal Environmental Management
OSU: Watershed Level Ecological
CERCLA Funded: IEL/NEASE
FFY94 319H
Fy 97 Section 319H, Non-Point Source